

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

ANGELA HOGAN and ANDREA SEBERSON, on
behalf of themselves and others similarly
situated,

Plaintiffs,

v.

AMAZON.COM, INC.,

Defendant.

Case No. 2:21-cv-00996-JHC

**ORDER GRANTING MOTION TO
CONSOLIDATE ACTIONS AND APPOINT
INTERIM CLASS COUNSEL**

CHRISTOPHER HOPPER, on behalf of himself
and others similarly situated,

Plaintiff,

v.

AMAZON.COM, INC., and **AMAZON.COM
SERVICES LLC**

Case No. 2:23-cv-01523-JHC

**ORDER GRANTING MOTION TO
CONSOLIDATE ACTIONS AND APPOINT
INTERIM CLASS COUNSEL**

1 Currently pending before this Court are two proposed class actions that both raise
2 antitrust claims against Amazon.com Inc. and Amazon.com Services LLC (“Amazon”) based on
3 the same allegations that the company overcharges consumers by tying third-party sellers’ access
4 to the “Buy Box” on Amazon’s website to third-party sellers’ use of Amazon’s fulfillment
5 services: *Hogan v. Amazon.com, Inc.*, No. 2:21-cv-00996-JHC (W.D. Wash. filed July 26, 2021),
6 and *Hopper v. Amazon.com, Inc.*, No. 2:23-cv-01523 (W.D. Wash. filed Oct. 3, 2023).

7 Plaintiffs in *Hogan* and *Hopper* have jointly filed a Motion to Consolidate Actions and
8 Appoint Interim Class Counsel. Dkt. # 60. Amazon does not oppose Plaintiffs’ request for
9 consolidation and takes no position on Plaintiffs’ request for appointment of interim co-lead
10 counsel.

11 The Court concludes that these actions should be consolidated and that—as Plaintiffs
12 propose—Wexler Boley & Elgersma LLP; Cotchett, Pitre & McCarthy, LLP; Gustafson Gluek
13 PLLC; Terrell Marshall Law Group PLLC; and Taus, Cebulash & Landau, LLP should be
14 appointed interim co-lead class counsel for the proposed class in the *Hogan* and *Hopper*
15 complaints, with Wexler Boley & Elgersma LLP serving as chair of the co-lead group.
16 Consolidation of these actions and adoption of the leadership structure proposed by Plaintiffs
17 will aid in achieving efficiency and economy in what is likely to be expensive and complicated
18 litigation, and will enhance fairness to all parties concerned, as well as the proposed class.

19 In reaching these conclusions, the Court has carefully reviewed the motion and has also
20 considered the factors outlined in Rule 23(g) of the Federal Rules of Civil Procedure and other
21 authority cited by Plaintiffs. Plaintiffs’ submission demonstrates that the appointed firms satisfy
22 the requirements of Rule 23(g) for appointment as interim co-lead class counsel. These include
23 the work counsel have done in identifying or investigating potential claims in the action;
24 counsel’s experience in handling class actions, other complex litigation, and the types of claims
25 asserted in the action; counsel’s knowledge of the applicable law; and the resources that counsel
26 have available and will commit to representing the class.

1 Accordingly, the Court **GRANTS** Plaintiffs' Motion to Consolidate Actions and Appoint
2 Interim Class Counsel and **ORDERS** as follows:

3 1. *Hogan v. Amazon.com, Inc.*, No. 2:21-cv-00996-JHC (W.D. Wash.), and *Hopper*
4 *v. Amazon.com, Inc.*, No. 2:23-cv-01523 (W.D. Wash.), are consolidated under the case number
5 for *Hogan*: No. 2:21-cv-996-JHC.

6 2. The Second Amended Complaint in *Hogan*, Dkt. # 44, will be the operative
7 complaint in the consolidated action, without prejudice to Plaintiffs filing a consolidated
8 amended complaint in the future pursuant to court order or as otherwise permitted under Federal
9 Rule of Civil Procedure 15.

10 3. The Court's ruling on the pending motion to dismiss in *Hogan*, Dkt. # 49, shall
11 bind all parties to the consolidated action: Plaintiff Angela Hogan, Plaintiff Andrea Sebersson,
12 Plaintiff Christopher Hopper, and Defendant Amazon.com, Inc. and Defendant Amazon.com
13 Services LLC.

14 4. Wexler Boley & Elgersma LLP; Cotchett, Pitre & McCarthy, LLP; Gustafson
15 Gluek PLLC; Terrell Marshall Law Group PLLC; and Taus, Cebulash & Landau, LLP are
16 appointed as interim co-lead counsel for the proposed class, with Wexler Boley & Elgersma LLP
17 serving as chair of the interim co-lead group.

18 IT IS SO ORDERED.

19 DATED this 27th day of November, 2023.

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21 John H. Chun
22 United States District Judge
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